

CHAPTER 103
ELDORA TRAINING SCHOOL

[Prior to 7/1/83, Social Services[770] Ch 103]
[Prior to 2/11/87, Human Services[498]]

DIVISION I
GENERAL POLICIES AND PROCEDURES

441—103.1(218) Definitions.

“*Contraband*” shall mean weapons, alcohol, drugs, obscene materials as defined in Iowa Code section 728.1, paragraph (5), or material advocating disruption of or injury to residents, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, materials which are used in the production of drugs or alcohol, or used in conjunction with the taking of illicit drugs.

“*Immediate family*” shall mean spouse, child, parent, brother, sister or grandparent.

“*Resident*” shall mean a child committed to the state director and admitted to the Eldora training school.

This rule is intended to implement Iowa Code section 218.4.

441—103.2(218) Visiting.

103.2(1) Visiting hours are from 10 a.m. to 4:30 p.m. on Saturdays and Sundays. The superintendent may designate certain weekdays or holidays for visiting. The resident shall be responsible for informing the visitor of the days. Visitation by the family will be encouraged and necessary flexibility in these hours and days will be allowed.

103.2(2) All visiting during times other than described in 103.2(1) shall have approval from the superintendent or designee prior to the day of visit.

103.2(3) Visitors shall check in with security staff upon arrival. The counselor on duty may request identification of the visitor. Failure to produce identification may result in denial of the visit.

103.2(4) Residents are permitted to visit with their parents or members of the immediate family. Family members under 12 years of age may visit only with adult supervision. Friends may visit when approved by the counselor. Friends under 18 years of age may visit only with adult supervision.

103.2(5) Any visitor arriving on the grounds who is under the influence of or has been partaking of drugs or alcoholic beverages shall not be permitted a visit.

103.2(6) Residents must have written authorization of the cottage director concerned before accompanying parents of another student out on a visit.

103.2(7) Persons other than immediate family or legal counsel who wish to visit a resident must obtain prior approval from the superintendent or designee before visiting.

103.2(8) The superintendent reserves the right to limit or terminate visiting in all cases where doing so is in the best interests of the resident’s personal and therapeutic needs. When limitations or termination of visiting rights occur, the superintendent or administrator in charge shall immediately notify persons involved why the action was taken and a written report will be placed in the resident’s file.

This rule is intended to implement Iowa Code section 218.4.

441—103.3(218) Interviews and statements.

103.3(1) All residents will be informed of their right to remain silent.

103.3(2) When the resident agrees, interviews shall be granted at the discretion of the superintendent. Whenever an interview is granted, at least one staff person shall be present for the entirety of the interview and shall have the authority to terminate the interview anytime such person feels the best interests of the resident are not being served.

103.3(3) The resident shall be represented by legal counsel during any interview being conducted to obtain information that will be or may be used in court against the resident.

103.3(4) Exceptions to 103.3(2) will be made only for the resident's own attorney or state officials acting in their official capacity.

103.3(5) The superintendent may deny an interview in situations deemed detrimental to the resident. The person requesting the interview shall be referred to the director, division of community programs, Iowa department of human services for approval.

103.3(6) Permission for written depositions may be granted by the superintendent following the aforementioned rules for granting interviews. One copy of such depositions shall be submitted to the superintendent. Voice recording of such interviews will not be permitted. This shall in no way restrict depositions ordered by the court.

This rule is intended to implement Iowa Code section 218.4.

441—103.4(218) Mail and packages.

103.4(1) Outgoing or incoming packages shall not be opened, read, censored, or tampered with in any manner, except that institutional staff, in order to search for and seize contraband, may open, but not read, incoming mail or packages in the presence of the resident to whom the mail is directed or require that the resident open the letter or package in the staff's presence and disclose the contents.

103.4(2) Letters or packages found to contain contraband may be withheld, but both the sender and the intended receiver of the withheld mail shall be notified and given reasons for the action in writing within 48 hours of the action.

103.4(3) When correspondence between a resident and another person is not considered to be in the best interest of and detrimental to the treatment plan of the resident, the superintendent or designee may terminate that correspondence. Just cause shall be shown and written notice provided to both correspondents.

103.4(4) When correspondence has been terminated as described in 103.4(3), either of the correspondents may request a review of the termination at any time.

103.4(5) Termination under 103.4(3) shall be based on individual cases and not on groups or agencies.

This rule is intended to implement Iowa Code section 218.4.

441—103.5(218) Use of buildings and grounds.

103.5(1) When the residents are not using space or a facility, the space or facility may be available for public use at the discretion of the superintendent.

103.5(2) A deposit of \$15 may be required 24 hours in advance of reserving the canteen. The full deposit shall be refunded when the canteen is left in satisfactory condition.

103.5(3) Requests for use of the staff conference room, lounge, and chapel building shall be directed to the superintendent's secretary.

103.5(4) A \$25 deposit may be required for use of the recreation center facilities. The full deposit shall be refunded when the facilities are left in satisfactory condition.

a. An employee of the training school must be present to supervise the group.

b. The group supervisor must sign a release form and a form accepting responsibility for the group's supervision prior to the use of the facility.

c. Only facilities specifically requested and approved shall be used by the group.

103.5(5) The training school reserves the right to cancel an agreement to use facilities in the event of emergency or schedule changes where resident use takes priority.

This rule is intended to implement Iowa Code section 218.4.

441—103.6(218) Incoming telephone calls. All incoming telephone calls for residents shall have approval of the superintendent or designee prior to the conversation. The identity of the caller shall be verified before approval is given. Telephone calls shall not be monitored.

This rule is intended to implement Iowa Code section 218.4.

441—103.7(218) Resident employment.

103.7(1) Employers, individuals, or organizations wishing to hire a resident of the institution shall receive approval from the superintendent or designee.

103.7(2) Child labor laws shall be adhered to.

103.7(3) The employer's legal and institutional responsibilities shall be documented by the superintendent or designee and communicated, including salary, supervision, transportation, and hours, to the resident's employer so as to clarify and document the resident-employer employment agreement.

103.7(4) The employer or superintendent or designee or resident has the right to terminate the employment at any time.

103.7(5) Residents shall be paid in accordance with the minimum wage laws in effect for off-campus employment; work of a more skilled nature shall be compensated accordingly.

103.7(6) All checks or money shall be turned into the business office for deposit in the resident's account, not given directly to the resident.

103.7(7) Behavior unacceptable to the employer shall be reported to the institution. Behavior unacceptable to an employer shall not subject the resident to any sanctions, punishment or punitive restriction of privileges, unless it constitutes a public offense or violates institutional rules and, in that case, it shall follow the normal discipline procedure or referral to court for prosecution. Runaway residents shall be reported to the institution immediately.

This rule is intended to implement Iowa Code section 218.4.

441—103.8(218) Tours. Tours of the facilities may be scheduled on weekdays from 8 a.m. to 4 p.m. by appointment through the superintendent or designee.

This rule is intended to implement Iowa Code section 218.4.

441—103.9(218) Acceptance.

103.9(1) Children shall be accepted for evaluation as diagnostic beds are available on a first-come-first-served basis.

103.9(2) Children shall be accepted into the regular program as treatment beds are available on a first-come-first-served basis.

103.9(3) No child adjudicated a child in need of assistance shall be admitted to the Eldora training school except for diagnosis and evaluation and then only when a current petition is on file that alleges the child to have committed a delinquent act.

103.9(4) A certified copy of the court order which complies with Iowa Code chapter 232 and the relevant petitions must accompany the child to the institution.

This rule is intended to implement Iowa Code section 218.4.

441—103.10(218) Admission procedures. When a youth is to be admitted to the Eldora training school, arrangements shall be made for the actual admission between 8 a.m. and 4:30 p.m., Monday through Friday. The youth being admitted shall be accompanied by the youth's parents, when available. Whenever possible, a preadmission visit by the youth to the institution shall be arranged by the local office service worker.

This rule is intended to implement Iowa Code section 218.4.

441—103.11(218) Program assignment. Residents will be assigned to specific cottage programs, educational and vocational programs and special services, such as drug counseling, family therapy, or similar services, to meet the needs of each individual resident, taking into consideration the limitation of the availability of space and specific programs. It is the responsibility of the superintendent to notify the court when appropriate space or program is not available and to deny admission until these needs can be met.

This rule is intended to implement Iowa Code section 218.4.

441—103.12(218) Individual care plan.

103.12(1) Whenever a resident is placed in a treatment program in the institution, an individual care plan shall be developed within 30 days.

103.12(2) The institution shall notify the resident, the resident's parents, the child's legal counsel, the court and the assigned service worker in writing of the time, date and nature of the individual care plan staffing at least ten working days prior to the staffing.

103.12(3) The institution counselor shall ensure that the institution has completed an assessment of the resident prior to the individual care plan staffing.

This rule is intended to implement Iowa Code section 218.4.

441—103.13(218) Special staffing. Whenever special concerns and needs arise in the program of a resident, a meeting of institutional staff, assigned service worker and other relevant parties shall convene to evaluate and formulate appropriate changes in the care plan.

This rule is intended to implement Iowa Code section 218.4.

441—103.14(218) Detention.

103.14(1) When a student is placed in detention for inappropriate behavior, the client's situation shall be reviewed by a panel composed of two staff members, one from clinical and one from another department, within 24 hours to determine if the child should remain there, if so for how long and what the privileges will be during the stay. At no time shall detention be used for more than five days for a single incident.

103.14(2) Within five working days of a detention review, the service worker and the court shall receive a written report of the review which summarizes the incident as related by the resident and the staff, the review decision and the rationale behind the decision.

This rule is intended to implement Iowa Code section 218.4.

441—103.15(218) Grievance procedure.

103.15(1) A resident shall have the right to file a grievance against a policy, program or procedure.

103.15(2) The institution shall have a clearly written grievance procedure with at least one appeal level.

103.15(3) All grievances filed shall be heard.

This rule is intended to implement Iowa Code section 218.4.

441—103.16(218) Alleged child abuse. The department shall arrange for the investigation of any reported case of child abuse in which the alleged perpetrator is an employee of the institution or some other department of human services employee to be conducted by an agency other than the department of human services.

This rule is intended to implement Iowa Code section 218.4.

441—103.17(218) Temporary home visits.

103.17(1) Residents may be granted a temporary home visit for up to five days for such reasons as to attend funerals, weddings, holiday functions, or job seeking; or for the primary purpose of exploring and improving family and community relations; or for the purpose of preplacement visits to foster or group homes to test the appropriateness of such a placement.

103.17(2) The court, the child's legal counsel, the resident's parents, the temporary placement, if different than the parents' home, and the assigned service worker shall be notified in writing five working days in advance of a visit except in cases of emergency when telephone calls to the previously discussed people followed by a written notice explaining the special circumstance shall be sufficient.

103.17(3) In all cases, the institutional superintendent or designee and the assigned service worker shall approve all temporary home visits in advance.

103.17(4) All temporary visit placements shall be investigated and approved as appropriate by the assigned service worker or probation officer in writing and in advance of any visit being scheduled.

103.17(5) In special cases which involve the treatment needs of the child, a temporary visit may be extended when both the institutional superintendent or designee and the assigned service worker's supervisor agree that the proposed extension is appropriate and the bureau of adult, children, and family services approves the special extension request. Approval of exceptions shall be made on the basis of the treatment needs of the child.

This rule is intended to implement Iowa Code section 218.4.

441—103.18(218) Prerelease staffing.

103.18(1) Thirty days prior to any anticipated release from the regular program, a release staffing shall be held.

103.18(2) The institution shall supply written notice of the time, date, and intent of the release staffing at least five working days prior to the staffing to the resident, the resident's parents, the court, the child's legal counsel, and the assigned service worker.

This rule is intended to implement Iowa Code section 218.4.

441—103.19(218) Attorney contacts. The resident shall have the right to contact the resident's attorney during normal business hours and at other times with prior approval of the attorney. The cost of the contacts shall be arranged prior to the contact being made. Children who do not have an attorney shall be referred to the appropriate legal aide.

This rule is intended to implement Iowa Code section 218.4.

441—103.20(218,233A) Standards. The training school shall comply with the Standards for Juvenile Training Schools, 2nd Edition, January, 1983 (Supplement January, 1986), as promulgated by the Commission on Accreditation for Corrections. Copies of the standards may be obtained upon request at no more than the actual cost of reproduction from the Superintendent, State Training School, Eldora, Iowa 50627, (515)858-5402.

This rule is intended to implement Iowa Code section 218.4 and chapter 233A.

441—103.21(218,233A) Advisory committee. The department shall establish an advisory committee consisting of 15 persons appointed by the commissioner to review and make recommendations to the department regarding the programming and policies of the state training school.

103.21(1) Membership. Membership shall include representatives of the local community, the juvenile court, providers of juvenile services, state agencies concerned with juvenile services, and persons with expertise in the treatment of youth. No more than five members of the advisory committee shall be state employees.

103.21(2) Committee action.

a. A quorum shall consist of two-thirds of the members eligible to vote.

b. Where a quorum is present, a position is carried by a majority of the members eligible to vote.

103.21(3) Committee minutes. Copies of minutes are kept on file in the office of the Superintendent, State Training School, Eldora, Iowa 50627, (515)858-5402.

103.21(4) Committee meetings. The committee will meet at least three times a year. Dates will be determined by the chair. Special meetings may be called by the chair or upon the written request of a majority of committee members. Any person wishing to make a presentation at a committee meeting shall notify the superintendent at least 15 calendar days prior to the council meeting.

103.21(5) Robert's Rules of Order. In cases not covered by these rules, Robert's Rules of Order shall govern.

This rule is intended to implement Iowa Code section 218.4 and chapter 233A.

441—103.22 to 103.30 Reserved.

DIVISION II SEX OFFENDERS

PREAMBLE

These amendments establish procedures governing the department's responsibilities to notify juvenile sex offenders of their duty to register with the Iowa sex offender registry under Iowa Code chapter 692A and to complete risk assessments used to determine the risk that offenders required to register pose of reoffending. The level of risk assigned to the offender is the basis for determining whether affirmative public notification (community notification) by a criminal or juvenile justice agency may take place as well as for determining the extent of the community notification.

441—103.31(692A) Definitions.

"Affirmative public notification" means any form of communication or release undertaken by the department of public safety, department of human services, or other Iowa criminal or juvenile justice agency regarding the identity or characteristics of an individual registrant or registrants. "Affirmative public notification" does not mean release of information to a criminal or juvenile justice agency or agencies nor does it mean release of information about an individual registrant in response to an inquiry about that individual based upon the name and address of the individual, as provided in Iowa Code subsection 692A.13(6).

"Aggravated offense" means a conviction for any of the following offenses:

1. Sexual abuse in the first degree in violation of Iowa Code section 709.2.
2. Sexual abuse in the second degree in violation of Iowa Code section 709.3.
3. Sexual abuse in the third degree in violation of Iowa Code subsection 709.4(1).
4. Lascivious acts with a child in violation of Iowa Code subsection 709.8(1).
5. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.
6. Burglary in the first degree in violation of Iowa Code section 713.3(1) "d."
7. Kidnapping, if sexual abuse as defined in Iowa Code section 709.1 is committed during the offense.

8. Murder, if sexual abuse as defined in Iowa Code section 709.1 is committed during the offense.

9. Criminal transmission of human immunodeficiency virus in violation of Iowa Code section 709C.1, subsection 1, paragraph “a.”

“*Criminal offense against a minor*” means any of the following criminal offenses or conduct:

1. Kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by a parent.

2. False imprisonment of a minor, except if committed by a parent.

3. Any indictable offense involving sexual conduct directed toward a minor.

4. Solicitation of a minor to engage in an illegal sex act.

5. Use of a minor in a sexual performance.

6. Solicitation of a minor to practice prostitution.

7. Any indictable offense against a minor involving sexual contact with the minor.

8. An attempt to commit an offense enumerated in this rule.

9. Incest committed against a minor.

10. Dissemination and exhibition of obscene material to minors in violation of Iowa Code section 728.2.

11. Admitting minors to premises where obscene material is exhibited in violation of Iowa Code section 728.3.

12. Stalking in violation of Iowa Code subsection 708.11(3) “b”(3), if the fact finder determines by clear and convincing evidence that the offense was sexually motivated.

13. Sexual exploitation of a minor in violation of Iowa Code subsection 728.12(2) or (3).

14. An indictable offense committed in another jurisdiction which would constitute an indictable offense under numbered paragraphs “1” through “13” of this definition.

“*Department*” means the Iowa department of human services.

“*Iowa sex offender registry*” means a central registry of sex offenders established by law in 1995 that is maintained by the department of public safety.

“*Offender*” means a person, including a juvenile, who is required to be registered with the Iowa sex offender registry and the sheriff of the person’s county of residence.

“*Other relevant offense*” means any of the following offenses:

1. Telephone dissemination of obscene materials in violation of Iowa Code section 728.15.

2. Rental or sale of hard-core pornography in violation of Iowa Code section 728.4.

3. Indecent exposure in violation of Iowa Code section 709.9.

4. A criminal offense committed in another jurisdiction which would constitute an indictable offense under numbered paragraphs “1” through “3” of this definition if committed in this state.

“*Registration*” means the submission of registration forms to the Iowa sex offender registry and to the sheriff of the person’s county of residence.

“*Risk assessment*” means the method and procedures for the assessment of the risk that offenders, required to register, pose of reoffending.

“*Sexual exploitation*” means sexual exploitation by a counselor or therapist under Iowa Code section 709.15.

“*Sexually violent offense*” means any of the following indictable offenses:

1. Sexual abuse as defined under Iowa Code section 709.1.

2. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.

3. Sexual misconduct with offenders in violation of Iowa Code section 709.16.

4. Any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.

5. A criminal offense committed in another jurisdiction which would constitute an indictable offense under numbered paragraphs “1” through “4” of this definition if committed in this state.

441—103.32(692A) Department responsibilities. The state training schools' risk assessment committees are located at the state training schools at Eldora, Iowa, and Toledo, Iowa. In accordance with the requirements of Iowa Code section 692A.13A, the director of each risk assessment committee shall notify juveniles under the control or supervision of the department who have been convicted of a qualifying criminal offense and who have not previously registered of their duty to register with the Iowa sex offender registry and the sheriff of the juvenile's county of residence. In addition, the director of each risk assessment committee shall provide the forms for registration, and, with the risk assessment committee, shall conduct level of risk assessments or reassessments for those juveniles convicted of an offense which requires registration.

103.32(1) *Procedures for notification of registration requirement and level of risk determination.*

The registration requirement and the determination of level of risk are two separate procedures. The director of the risk assessment committee may submit the documents for registration and the documents for determination of level of risk to the division of criminal investigation at the same time or may submit the level of risk assessment documents at a later time when the juvenile appeals the level of risk determination and has exhausted the administrative or judicial appeal process.

a. The director of the risk assessment committee shall submit the registration form to the division of criminal investigation, department of public safety, when the juvenile is released from the state training school unless the juvenile court finds that the person should not be required to register as allowed by Iowa Code subsection 692A.2(4).

b. The director of the risk assessment committee shall submit the risk assessment documents when the juvenile is released from the state training school and following the final results of any administrative or judicial appeal.

103.32(2) *Exemption from registration.*

a. The juvenile has the obligation to seek an exemption from the registration requirement and to prove that the juvenile deserves the exemption. To the extent a court order of adjudication or disposition is silent, the registration requirement applies.

b. The language in the order must clearly state that the juvenile is exempt from the registration requirement. If the language is not clear, the juvenile must seek a clarifying order to be exempt from the registration process.

103.32(3) *Exemption from registration deferred.*

a. When the judicial decision is deferred, registration shall be assumed required until the court orders otherwise.

b. If the court order defers the decision to grant an exemption from registration until treatment is completed, the language in the order should specify who tracks the case until the new court order is issued. If it is not clear who tracks the case, the juvenile must seek a clarifying order to be exempt from the registration process.

441—103.33(692A) Juveniles required to register. All juveniles who have been convicted of a criminal offense against a minor, an aggravated offense, sexual exploitation, an other relevant offense, or a sexually violent offense in Iowa or in another state, or in a federal, military, tribal, or foreign court, and juveniles required to register in another state under the state's sex offender registry shall be required to register unless the juvenile court finds that the juvenile shall not be required to register. The director of the risk assessment committee shall facilitate registration as required by Iowa Code sections 692A.5 and 692A.14 as follows:

103.33(1) *Notification.*

The director of the risk assessment committee shall provide Form DCI-144, Notification of Registration Requirement, which notifies offenders of their duty to register with the Iowa sex offender registry. Failure to provide offenders with Form DCI-144 does not relieve offenders of their duty to register with the Iowa sex offender registry.

103.33(2) Registration.

a. Form DCI-145, Sex Offender Registration, shall be completed by or on behalf of each offender. Registration is required when the juvenile is released from the state training school and the court has not granted an exemption from registration or still has not ruled on a deferred decision to grant an exemption from registration. The director of the risk assessment committee shall submit Form DCI-145 to the sheriff of the county in which the offender is or will be residing and to the division of criminal investigation, in order to satisfy the registration requirements of the Iowa sex offender registry.

b. Form DCI-145 shall also be used to report changes of residence, telephone number, or name of registrants. A completed copy of Form DCI-145 shall be submitted by the registrant to the sheriff of the county of residence each time the registrant's place of residence, telephone number, or name changes within five days of the change of residence, telephone number, or name, whether within or outside the state of Iowa.

If a registrant moves from one county to another, the registrant shall submit copies of completed Form DCI-145 reporting the change of residence to the sheriff of the prior county of residence and the sheriff of the new county of residence. The sheriff of the new county of residence shall be responsible for transmitting a copy of completed Form DCI-145 to the Iowa sex offender registry.

c. Upon initial submission of Form DCI-145, the form shall be accompanied by current photographs and fingerprints of the offender. Current photographs of the registrant shall accompany submission of Form DCI-145 upon each subsequent submission of Form DCI-145 unless the registrant's appearance has not changed significantly in the judgment of the submitting agency.

441—103.34(692A) Completion of risk assessment. All required risk assessments shall be conducted using the "Iowa Sex Offender Risk Assessment, Risk Assessment Guidelines and Commentary, and Risk Assessment Companion Guide" as adopted by the department of corrections and developed in consultation with the department of human services, the department of public safety, and the attorney general. These instruments are available upon request from the department of corrections.

The risk assessment score shall be determined following a review of appropriate documents which may include: presentence investigation report, court documents, clinical assessments, treatment records, polygraph reports, plethysmograph reports, employee records, school records, military records, child protection services records, victim's reports, hospital reports, and self-reports.

The risk assessment shall be completed within 45 days before the juvenile's release from custody or placement on probation, parole, or work release and following the completion or last day of participation in a treatment program unless it is impractical to do so as determined by the director of the risk assessment committee. The risk assessment may be completed 20 days or less before the juvenile's release when the director of the risk assessment committee determines it is impractical to complete the risk assessment following the completion or last day of participation in a treatment program.

103.34(1) Use of risk assessment score. The division of criminal investigation shall use the risk assessment score to determine the level of risk that persons required to register under Iowa Code chapter 692A pose of reoffending. Each offender shall be classified as a low, moderate, or high risk to reoffend. The level of risk assigned to the offender is the basis for determining whether affirmative public notification (community notification) by a criminal or juvenile justice agency may take place as well as for determining the extent of the community notification. The department of public safety shall proceed with affirmative public notification as provided by statute based on the level of risk.

103.34(2) Notification of right to appeal. When the risk assessment committee has completed the risk assessment for a juvenile, the director of the risk assessment committee shall notify the juvenile of the finding and of the juvenile's right to appeal by providing the juvenile a copy of the risk assessment and Form 470-3690, Notice of Sex Offender Risk Assessment Findings/Public Notification.

103.34(3) *Delivery of notice.* The director of the risk assessment committee shall give notice of the results of the assessment to the registrant by personal service before the juvenile's release from custody or placement on probation, parole, or work release, unless it is impracticable to give notice. No additional notice is required. Notice is deemed provided if the registrant refuses delivery of the notice. The notice shall contain the following information:

- a. The result of the risk assessment;
- b. A description of the scope of affirmative public notification which may result from the risk assessment;
- c. An explanation of the juvenile's right to appeal in accordance with procedures set forth in 441—Chapter 7;
- d. The allowable grounds for filing an appeal. The appeal request must allege one of the following:
 - (1) The risk assessment factors were not properly applied.
 - (2) The information relied upon to support the assessment findings is inaccurate.
 - (3) The assessment procedures were not correctly followed.

103.34(4) *Appeal forms available.* Form 470-0487, Appeal and Request for Hearing, shall be available to the juvenile from the superintendent's office. To file an appeal, the juvenile may either complete Form 470-0487 or a written statement requesting to appeal. The juvenile may submit the form or statement to the Appeals Section, 5th Floor, Iowa Department of Human Services, 1305 E. Walnut, Des Moines, Iowa 50319-0114, to the superintendent or, in the superintendent's absence, to the clinical director.

441—103.35(692A) *Affirmative public notification pending the exhaustion of administrative or judicial appeal.* When the juvenile is released from the state training school and the director of the risk assessment committee has not received timely notice of any pending administrative or judicial appeal, the director of the risk assessment committee shall submit the original of the risk assessment and copies of related documents, including Form 470-3690, Notice of Sex Offender Risk Assessment Findings/Public Notification, to the division of criminal investigation. When the director of the risk assessment committee has not received timely notice of any pending administrative or judicial appeal, the director shall submit the risk assessment documents to the division of criminal investigation as follows:

- 1. Fifteen days or later following notification of right to appeal.
- 2. Forty-four days or later following the final decision of an administrative appeal and request for hearing.
- 3. In the event of judicial review, anytime following exhaustion of court appeal rights.

Copies of the sex offender registration and risk assessment documents, including any appeals, and documentation of the results of any appeal or court action, shall be maintained in the offender's file maintained by the department.

These rules are intended to implement Iowa Code chapter 692A.

[Filed 10/17/75, Notice 8/11/75—published 11/3/75, effective 12/8/75]

[Filed 4/30/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]

[Filed 1/4/79, Notice 11/29/78—published 1/24/79, effective 2/28/79]

[Filed 9/6/79, Notice 6/27/79—published 10/3/79, effective 11/7/79]

[Filed 4/4/80, Notice 1/23/80—published 4/30/80, effective 6/4/80]

[Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]

[Filed 6/14/85, Notice 5/8/85—published 7/3/85, effective 9/1/85]

[Filed 9/3/86, Notice 7/16/86—published 9/24/86, effective 11/1/86]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]

[Filed 5/9/01, Notice 2/21/01—published 5/30/01, effective 7/4/01]